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RECEIVED MAR 19 2008 CHAMBERS OF COLLEEN McMAHON
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## MEMO ENDORSED

March 19, 2008

**BY FAX: (212) 805-6326**

Hon. Colleen McMahon  
United States District Court for the  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Room 640  
New York, NY 10007

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Re: Newton Rodriguez v. Modern Handling Equipment of NJ,  
Inc., et al.  
Index No.: 07 Civ. 7349  
Our File No.: 7115 - PL

Dear Justice McMahon:

Pursuant to your honor's Civil Case Management Plan dated October 11, 2007, discovery in the above-captioned case was to be completed by May 29, 2008. To date, the deposition of the plaintiff, Newton Rodriguez, was timely held on December 4, 2007. Depositions of defendants Modern Handling and Starlift Equipment were also held timely on March 5, 2008. A further deposition of Starlift Equipment by an additional witness with knowledge of this matter, Tom DeBacco, has been noticed for April 14, 2008. In addition, the parties have exchanged documentary discovery and responses to interrogatories. We have not had any discovery disputes and are working diligently together to complete discovery in this matter.

Nonetheless, in part due to my client's need to be out of the country for approximately two months during December and January for personal reasons, and in part due to the outstanding deposition of the additional witness from Starlift Equipment, I am requesting a 90-day extension of time for the completion of discovery in this matter. Specifically, an extension of 90 days for completion of plaintiff's expert reports is requested. The current deadline for plaintiff's expert reports is March 28, 2008. In that Mr. DeBacco is one of the mechanic/technicians who serviced the forklift involved

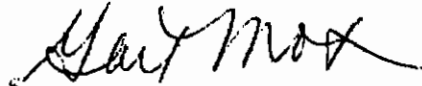
in the accident, his testimony is important to our liability expert's evaluation of this case.

Furthermore, due to Mr. Rodriguez need to leave the country for two months, there has been a delay in obtaining the necessary medical evaluations required to serve the medical and economic expert reports. In addition, defense counsel has not yet had the opportunity to schedule their physical examinations of my client.

There have been no previous requests for extension of any of the court's deadlines. I have spoken to counsel for both Modern and Starlift, and neither has any objection to the requested extension of time. Enclosed please find a proposed Revised Scheduling Order. Thank you very much for your consideration in this matter.

Sincerely yours,

GORAYEB & ASSOCIATES, P.C.



Gail Mota, Esq.

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